

Buckley et al / J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREW LUM,

Plaintiff,

-v-

DISCOVERY CAPITAL MANAGEMENT, LLC, and
DGF SERVICES, LLC,

Defendants.

08 Civ. 6352 (NRB)

STIPULATION TO TRANSFER
ACTION TO THE UNITED
STATES DISTRICT COURT FOR
THE DISTRICT OF
CONNECTICUT

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their undersigned counsel hereto, that the above-captioned matter shall be transferred by this Court to the United States District Court for the District of Connecticut (the "Stipulation"). In support of the Stipulation, the parties state as follows:

1. The Plaintiff Andrew Lum ("Lum" or the "Plaintiff") commenced this action against Discovery Capital Management, LLC and DGF Services, LLC (collectively the "Defendants") by Summons and Complaint dated May 16, 2008 and returnable to the Supreme Court of the State of New York, County of New York (the "Complaint"), which was served upon the Defendants on or about June 16, 2008. In his Complaint, the Plaintiff alleges breach of contract claim and claims under New York Labor Law §§ 191(c) and 198.

2. Pursuant to 28 U.S.C. §§ 1332, 1441(a) and 1446(a) and (b), on or about July 15, 2008, the Defendants timely removed this action to the United States District Court for the Southern District of New York.

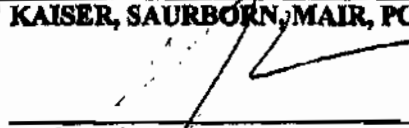
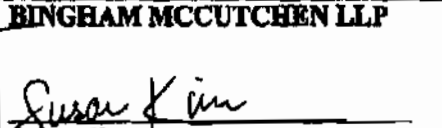
3. On or about August 29, 2008, the Defendants answered the Complaint and filed counterclaims against Lum alleging breach of fiduciary duty and the duty of loyalty, fraud, negligence, breach of the covenant of good faith and fair dealing, vexatious litigation and

seeking a declaratory judgment (the "Counterclaim"). Upon filing the Answer and Counterclaim, the Defendants expressly reserved their rights to seek a transfer of this action pursuant to 28 U.S.C. § 1404(a).

4. In accordance with Judge Buchwald's standing orders, on or about November 4, 2008, the Defendants filed a request for a pre-motion conference to discuss their intended motion to transfer venue (the "Transfer Letter"). As set forth more fully in the Transfer Letter, the Defendants sought transfer of this action to the District of Connecticut because all of the events giving rise to the claims in the Complaint and the Counterclaim took place in Connecticut and critical information concerning the respective claims are located in that state.

5. At a pretrial conference held on November 5, 2008, the Court requested that, by November 19, 2008, the Plaintiff either indicate his intention to oppose the Defendants' efforts to transfer the case or to stipulate to a transfer of the case to the District of Connecticut.

6. The Plaintiff has no objection to the transfer of this case to the District of Connecticut. Accordingly, the parties hereby stipulate that this action should be transferred to the District of Connecticut. The parties waive any objections to transfer that they might have based upon jurisdiction, venue or any other grounds. The parties stipulate that they will each bear their own fees and costs incurred in filing and transferring this matter to the District of Connecticut.

KAISER, SAURBORN, MAIR, PC	BINGHAM MCCUTCHEEN LLP
 Daniel Kaiser 111 Broadway, Suite 1805 New York, New York 10019 Telephone: (212) 338-9100 kaiser@ksmlaw.com Attorney for Plaintiffs	 Susan Kim One State Street Hartford, CT 06103 Telephone: 860.240.2700 Facsimile: 860.240.2800 susan.kim@bingham.com Attorneys for Defendants
Dated: New York, New York November 19, 2008	Dated: Hartford, Connecticut November 19, 2008

SO ORDERED:

1. This case is hereby transferred to the District of Connecticut, and
2. The Clerk of the Court is hereby directed to transfer this case to the District of Connecticut.


Naomi Reice Buchwald, U.S. D. J.

11/20/08